

ORIGINAL

FILED

January 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

(To be assigned by the Clerk of the Supreme Court)

DA 10-0022

LARRY LULOFF and JANET PERKINS LULOFF
Pro Se Attorney
208 Stormitt Butte Road
Roberts, MT 59070
406-962-3815
FAX - 406-962-3815

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JAN 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

LARRY LULOFF AND JANET PERKINS LULOFF
Appellant,

V.

JAMES M. WALTERS and DIANE M. WALTERS
Appellee.

NOTICE is given that Larry Luloff and Janet Perkins Luloff, the Appellants above-named and who are the Defendants in that cause of action filed in the Montana Twenty-Second Judicial District, in and for the County of Carbon, as Cause No. 03-57, hereby appeal to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 18th day of December 2009.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P.
7. If subject to mediation, the money judgment being is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 12th day of January 2010.

Larry Luloff and
Larry Luloff

Janet Perkins Luloff
Janet Perkins Luloff
Pro se Attorney

CERTIFICATE OF SERVICE

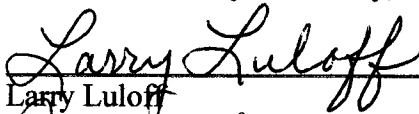
I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies to the following:

Rochelle Loyning
Clerk of District Court
102 N. Broadway
P.O. Box 948
Red Lodge, MT 59068-0948

Kathryn S. Syth
LaRance & Syth
600 U.S. Bank Building
303 North Broadway
P.O. Box 1456
Billings, MT 59103-1456

Hon. Blair Jones
809A East 4th Avenue
P.O. Box 1268
Columbus, MT 59019

Dated this 12th day of January, 2010



Larry Luloff



Janet Perkins Luloff